



FOR CLERK USE ONLY

City Council

Item No. 19CITY COUNCIL AGENDA
FACT SHEET

City Attorney _____

Department _____

October 19, 2010

Requested Date

1. Request:

Council Approval

Information Only/
Presentation

Other (specify) _____



Hearing



2. Requested Action:

Ordinance Amending Council Procedures Re: Speaking Rights of Councilmembers.

3. Fiscal Impact:

Revenue:

Increase



Source: _____

Decrease



Amount: \$ _____

Cost:

Increase



Source: _____

Decrease



Amount: \$ _____

Does Not Apply ☒

4. Reviewed By:

Finance Dept. on _____

By: _____

Comments: _____

City Attorney on _____

10-8-10

By: _____

J. Lvon

Comments: _____

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE: _____

Action



Filing



Consent



Presentation



Hearing



Other(specify) _____



Reviewed by: City Clerk _____

City Manager _____

Date _____

Date _____

CITY COUNCIL AGENDA REPORT

**SUBJECT: AN ORDINANCE OF THE COUNCIL OF THE CITY OF CALEXICO
AMENDING SECTIONS 2.04.080, 2.04.110 AND 2.04.150 OF CHAPTER 2.04 OF THE
CALEXICO MUNICIPAL CODE REGARDING SPEAKING RIGHTS OF
COUNCILMEMBERS AND ADDRESSING THE COUNCIL BY THE PUBLIC**

AGENDA DATE: October 19, 2010

PREPARED BY: Jennifer M. Lyon, City Attorney (at the request of Council)

APPROVED FOR AGENDA BY: Victor Carrillo, City Manager

RECOMMENDATION: Consider ordinance. If appropriate, waive full reading and perform introduction by reading the title only.

FISCAL IMPACT: None.

DISCUSSION: The City's adopted Council policies do not contain a provision for a motion to close the debate (call for the question). Councilman Romero requested an amendment and on October 5, 2010, the Council directed staff to prepare the ordinance amendment to allow for this process before a vote is taken on the agenda item. The draft ordinance amendment includes a process for a motion to close the debate and makes other minor revisions to update the procedures to comply with existing law.

Agenda Item No. _____
Page _____ Of _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CALEXICO
AMENDING SECTIONS 2.04.080, 2.04.110 AND 2.04.150 OF CHAPTER 2.04 OF
THE CALEXICO MUNICIPAL CODE REGARDING SPEAKING RIGHTS OF
COUNCILMEMBERS AND ADDRESSING THE COUNCIL BY THE PUBLIC**

WHEREAS, the Calexico City Council finds that the public interest and welfare are best served by providing for the widest possible participation in the political process, by both lawmakers and the public.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
CALEXICO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION ONE. Section 2.04.080 of the Calexico Municipal Code is hereby amended to read as follows:

“2.04.080 Presiding Officer.

A. The mayor shall be the presiding officer at all meetings of the city council. In the absence of the mayor and the mayor pro tempore, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the councilmembers present to serve until the arrival of the mayor or mayor pro tempore or until adjournment. If the mayor and mayor pro tempore are both scheduled to be unavailable for an extended period of time, the mayor may designate a person to be the presiding officer/ acting mayor during the absence.

B. The presiding officer shall sign all ordinances, resolutions and other documents necessitating such signature, unless the city council delegates such authority to the city manager. The presiding officer shall preserve strict order and decorum at all regular, adjourned regular and special meetings of the council and shall state, or call upon the clerk to state, every question before the council, call for the vote, and announce the decision of the council on all subjects. The presiding officer shall decide all questions of order; subject, however, to an appeal to the council by any councilmember, in which event a majority vote of the council shall govern and conclusively determine such question of order. The presiding officer shall have and exercise such other powers and duties as are authorized by law.

C. The presiding officer shall have power, authority and discretion, without a vote of the council to:

1. Set time limits on council discussion on any matter as long as each councilmember is given an equal amount of time within the time limit to speak on the matter;

2. Set time limits on any communications from members of the public to the council; in no event shall any individual public communication exceed three minutes without the consent of the mayor;

3. Declare the opening of public hearings;
4. Rule any motion on a subject not on the agenda as being out of order, in which case the motion shall thereafter be void;
5. Continue or postpone any matter until the next regular, adjourned regular or special meeting whenever the city attorney advises that there is a question as to the validity or constitutionality of the particular proposed course of action which is the subject matter of such motion;
6. May require any witness testifying to facts at any public hearing to be sworn before proceeding further with any such testimony;
7. Rule any speaker out of order, terminate any communication with the council from a member of the public and/or declare a recess in order to establish order at any meeting.
8. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. The presiding officer shall not be deprived of any of the rights and privileges of a councilmember by reason of being mayor or acting as the presiding officer.
9. The mayor has and may exercise all other powers and duties as are authorized by law."

SECTION TWO. Section 2.04.110 of Chapter 2.04 is hereby amended to read as follows:

" 2.04.110 Speaking rights of members.

- A. Every councilmember desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate, avoiding personalities and indecorous language.
- B. A member, once recognized, shall not be interrupted when speaking except for a call to order. If called to order while speaking, a member shall cease speaking until the question of order be determined and, if in order, shall be permitted to proceed.
- C. A motion to close the debate (call for the question) shall be voted upon separately and prior to a vote being taken on the subject matter of the debate. If the motion to close the debate passes by a majority vote, then the debate by the council shall cease and the vote on the subject item shall be taken. If the motion to close the debate fails, then debate shall continue. The councilmember moving the adoption of an ordinance, resolution or council action shall have the privilege of closing the debate."

SECTION THREE. Section 2.04.150 of Chapter 2.04 is hereby amended to read as follows:

“2.04.150 Addressing the council.

A. Any person desiring to address the council shall first secure the permission of the presiding officer to do so. In addition, but unless the presiding officer rules otherwise, any person shall have the right to address the council upon obtaining recognition by the presiding officer to speak subject to the following:

1. Public Hearings. Interested persons or their authorized representatives may address the council orally or in writing relating to matters which are then subject to a public hearing pursuant to Section 2.04.090.

2. Non-“Hearing” Matters. Interested parties or their authorized representatives may address the council with regard to matters with which they are concerned and are then the subject of council discussion. When copies of such communications are furnished each councilmember present, such written communications shall not be read aloud at the meeting unless so ordered by a majority vote of the council. Written communications from the administrative staff shall not be read aloud unless requested by any councilmember.

3. Oral Communications. Any person may address the council under oral communications with regard to any matter with which they are concerned. The council shall not discuss any matter not on the agenda pursuant to state law and this chapter nor take any action except to refer such matter to a future agenda.

4. Addressing the Council. Each person addressing the council shall speak into the microphone at the speaker’s podium, ~~shall~~may state his or her name and address in an audible tone of voice for the record, and unless further time is granted by the presiding officer, shall limit the remarks to three minutes. All remarks shall be addressed to the council as a body, and not to any member thereof. No person other than the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer.

5. Limitation to Agenda Item. Except under oral communications, the presiding officer shall not permit any communication, written or oral, to be made or submitted unless such communication addresses the agenda item then under discussion.

6. Consent Required. No person shall address or question a councilmember, the staff or any other person without the prior consent of the presiding officer.

7. Permission to Speak. After a motion is made by a councilmember, no person shall address the council without first securing the permission of the council to do so.

~~8. Anonymous Communications. Anonymous communications shall not be considered nor placed on the agenda.~~

98. Group Communications. When any identifiable group of persons, as opposed to the general public at large, wishes to address the council on the same agenda item, the presiding officer shall have the discretion to request that a spokesperson be chosen by said group to address the council. If additional issues are to be presented at the hearing by any other member of such group, the presiding officer may limit the number of persons and the time periods to address the council, so as to avoid unnecessary repetition of issues before the council.

109. Additional Opportunity to Address the Council. Subject to the needs of the council to expeditiously perform its business and to avoid repetitive testimony, any person may be permitted by the mayor to address the council more than once on any particular item. No person shall be allowed to address the council more than once on an item until all persons present and wishing to address the council have been provided the opportunity to do so. The mayor may limit the time period allowed any person to address the council on an item more than one time, and shall not permit repetitive testimony from any person."

SECTION FOUR: This Ordinance was introduced on October 19, 2010 and was adopted on November 2, 2010.

SECTION FIVE: Sections One, Two, and Three of this Ordinance shall become effective thirty days following its passage and adoption.

SECTION SIX: The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED AND ADOPTED this ____ day of _____, 2010, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Moreno, Mayor

ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. ____, which has been published pursuant to law.

Lourdes Cordova, City Clerk
City of Calexico